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Agenda item 34

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/55/L.10 and Corr.1 and Add.1)*]

55/7. Oceans and the law of the sea

The General Assembly,

Recalling its resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997, 54/31 and 54/33 of 24 November 1999 and other relevant resolutions adopted subsequent to the entry into force of the United Nations Convention on the Law of the Sea ("the Convention")[1] on 16 November 1994,

Recalling also its resolution 2749 (XXV) of 17 December 1970, and considering that the Convention, together with the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Agreement"),[2] provides the regime to be applied to the Area and its resources as defined in the Convention,

Emphasizing the universal and unified character of the Convention and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable use and development of the seas and oceans and their resources,

Reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action in the marine sector, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[3]

Conscious of the importance of increasing the number of States parties to the Convention and the Agreement in order to achieve the goal of universal participation,

Conscious also that the problems of ocean space are closely interrelated and need to be considered as a whole,

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[1] United Nations publication, Sales No. E.97.V.10.

[2] Resolution 48/263, annex.

[3] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

Convinced of the need, building on arrangements established in accordance with the Convention, to improve coordination at the national level and cooperation and coordination at both intergovernmental and inter-agency levels, in order to address all aspects of oceans and seas in an integrated manner,

Recognizing the important role that the competent international organizations have in relation to ocean affairs, in implementing the Convention and in promoting sustainable development of the oceans and seas and their resources,

Taking note of the report of the Secretary-General,[4] and reaffirming the importance of the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review,

Taking note also of the outcome of the first meeting of the United Nations open-ended informal consultative process ("the Consultative Process"),[5] established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs,

Mindful of the importance of the oceans and seas for the earth's ecosystem and for providing the vital resources for food security and for sustaining economic prosperity and the well-being of present and future generations,

Bearing in mind the contribution that major groups, as identified in Agenda 21, can make to raising awareness of the goal of the sustainable development of the oceans and seas and their resources,

Underlining the essential need for capacity-building to ensure that all States, especially developing countries, in particular least developed countries and small island developing States, are able both to implement the Convention and to benefit from the sustainable development of their marine resources, as well as to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

Expressing serious concern at the increase in illegal, unreported and unregulated fishing, and recognizing the importance of strengthening cooperation to combat such activities, particularly through the relevant regional fisheries management organizations and arrangements,

Recalling that the role of international cooperation and coordination on a bilateral basis and, where applicable, within a subregional, interregional, regional or global framework is to support and supplement the national efforts of coastal States to promote the integrated management and sustainable development of coastal and marine areas,

Expressing its deep concern at the degradation of the marine environment, particularly from land-based activities, and emphasizing the need for international cooperation and for a coordinated approach at the national level to this problem, bringing together the many different economic sectors involved and protecting the ecosystems, and in this context reaffirming the importance of ensuring full implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,[6]

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[4] A/55/61.

[5] See A/55/274.

[6] A/51/116, annex II.

Reiterating its concern at the degradation of the marine environment as a result of pollution from ships, in particular through the illegal release of oil and other harmful substances, and as a result of pollution by dumping of hazardous waste, including radioactive materials, nuclear waste and dangerous chemicals,

Recalling the importance of marine science in promoting the sustainable management of the oceans and seas, including in the assessment, conservation, management and sustainable use of fish stocks,

Emphasizing the need to ensure access of decision makers to advice and information on marine science and technology, as well as to the transfer of technology and support for the production and diffusion of factual information and knowledge for end-users, as appropriate,

Expressing concern once again at the continuing threat from piracy and armed robbery at sea, and in this context noting the letter from the Secretary-General of the International Maritime Organization to the Secretary-General of the United Nations drawing attention to the increasing number and seriousness of incidents of piracy and armed robbery at sea, [7]

Reaffirming the importance of enhancing the safety of navigation, as well as the necessity for cooperation in this regard,

Emphasizing the importance of the protection of the underwater cultural heritage, and recalling in this context the provisions of article 303 of the Convention,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28 and 52/26, and in this context the expected increase in responsibilities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat in view of the progress in the work of the Commission on the Limits of the Continental Shelf ("the Commission") and the anticipated receipt of submissions from States,

1. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention[1] and the Agreement;[2]

2. *Reaffirms* the unified character of the Convention;

3. *Calls upon* States to harmonize, as a matter of priority, their national legislation with the provisions of the Convention, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding to the Convention are in conformity therewith and, otherwise, to withdraw any of their declarations or statements that are not in conformity;

4. *Encourages* States parties to the Convention to deposit with the Secretary-General charts and lists of geographical coordinates, as provided for in the Convention;

5. *Urges* the international community to assist, as appropriate, developing countries, in particular least developed countries and small island developing States, in the acquisition of data and the preparation of charts or lists of geographical coordinates for publication under articles 16, 22, 47, 75 and 84 of the Convention

[7] A/55/311, annex.

and in the preparation of information under article 76 and annex II to the Convention;

6. *Requests* the Secretary-General to convene the eleventh Meeting of States Parties to the Convention in New York from 14 to 18 May 2001 and to provide the services required;

7. *Notes with satisfaction* the continued contribution of the International Tribunal for the Law of the Sea ("the Tribunal") to the peaceful settlement of disputes in accordance with Part XV of the Convention, underlines its important role and authority concerning the interpretation or application of the Convention and the Agreement, encourages States parties to the Convention to consider making a written declaration choosing from the means set out in article 287 for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement, and invites States to note the provisions of annexes V, VI, VII and VIII to the Convention concerning, respectively, conciliation, the Tribunal, arbitration and special arbitration;

8. *Recalls* the obligations of parties to cases before a court or a tribunal referred to in article 287 of the Convention to ensure prompt compliance with the decisions rendered by such court or tribunal;

9. *Requests* the Secretary-General to establish a voluntary trust fund to assist States in the settlement of disputes through the Tribunal, and to report annually to the Meeting of States Parties to the Convention on the status of the fund;[8]

10. *Invites* States, intergovernmental organizations, national institutions, non-governmental organizations, as well as natural and juridical persons, to make voluntary financial contributions to the fund;

11. *Encourages* States that have not yet done so to nominate conciliators and arbitrators in accordance with annexes V and VII to the Convention, and requests the Secretary-General to continue to update and circulate lists of these conciliators and arbitrators on a regular basis;

12. *Welcomes* the adoption of the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area by the Assembly of the International Seabed Authority ("the Authority") on 13 July 2000,[9] and notes with satisfaction that the Authority is now in a position to proceed to issue contracts to the registered pioneer investors in accordance with the Convention, the Agreement and those Regulations;

13. *Appeals* to all States parties to the Convention to pay their assessed contributions to the Authority and the Tribunal in full and on time, and appeals also to all former provisional members of the Authority to pay any outstanding contributions;

14. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal[10] and to the Protocol on the Privileges and Immunities of the Authority;[11]

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[8] Terms of reference are annexed to the present resolution (see annex I).

[9] ISBA/6/A/18, annex.

[10] SPLOS/25.

[11] ISBA/4/A/8, annex.

15. *Notes* the continuing progress in the work of the Commission, including the successful open meeting on 1 May 2000[12] aimed at assisting States in implementing the provisions of the Convention related to the establishment of the outer limits of the continental shelf beyond 200 nautical miles and facilitating the preparation of submissions to the Commission by coastal States regarding the outer limits of their continental shelf;

16. *Also notes* that the Commission has issued a basic flow chart on the preparation of submissions[13] and has adopted an outline for a five-day training course on the delineation of the outer limits of the continental shelf beyond 200 nautical miles and for the preparation of submissions,[14] and encourages concerned States and relevant international organizations and institutions to consider developing and making available such training courses;

17. *Recalls* that under article 4 of annex II to the Convention, a State intending to establish the outer limits of its continental shelf beyond 200 nautical miles is to submit particulars of such limits to the Commission within ten years of the entry into force of the Convention for that State;

18. *Requests* the Secretary-General to establish a voluntary trust fund to provide training for technical and administrative staff, and technical and scientific advice, as well as personnel, to assist developing States, in particular the least developed countries and small island developing States, for the purpose of desktop studies and project planning, and preparing and submitting information under article 76 and annex II to the Convention in accordance with the procedures of the Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf, and to report annually to the General Assembly on the status of the fund;[15]

19. *Invites* States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions as well as natural and juridical persons to make voluntary financial or other contributions to the fund;

20. *Requests* the Secretary-General to establish a voluntary trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission,[16] and invites States to contribute to the fund;

21. *Approves* the convening by the Secretary-General of the ninth session of the Commission in New York from 21 to 25 May 2001 and a tenth session, if necessary, starting on 27 August 2001 of a duration of three weeks in the event of a submission being filed, or of one week, depending on the workload of the Commission;

22. *Calls upon* bilateral and multilateral donor agencies to keep their programmes under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical capacities and skills necessary for the full implementation of the Convention and the

[12] See CLCS/21.
[13] CLCS/22.
[14] CLCS/24.
[15] Terms of reference are annexed to the present resolution (see annex II).
[16] Covering both travel expenses and daily subsistence allowance.

sustainable development of the oceans and seas and their resources nationally, regionally and globally, and in so doing to bear in mind the rights of landlocked developing States;

23. *Requests* the Secretary-General, in cooperation with the competent international organizations and programmes, including the Food and Agriculture Organization of the United Nations, the International Labour Organization, the International Hydrographic Organization, the International Maritime Organization, the United Nations Development Programme, the United Nations Industrial Development Organization, the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, the United Nations Environment Programme, the United Nations Conference on Trade and Development, the World Meteorological Organization and the World Bank, as well as representatives of regional development banks and the donor community, to review the efforts being made to build capacity as well as to identify the duplications that need to be avoided and the gaps that may need to be filled for ensuring consistent approaches, both nationally and regionally, with a view to implementing the Convention, and to include a section on this subject in his annual report on oceans and the law of the sea;

24. *Urges* States to continue the development of an international plan of action on illegal, unregulated and unreported fishing for the Food and Agriculture Organization of the United Nations, as a matter of priority, and in this context recognizes the central role that regional and subregional fisheries organizations and arrangements will have in addressing this issue;[17]

25. *Emphasizes* the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment, including coastal areas, and its living marine resources against pollution and physical degradation;

26. *Acknowledges* the need to build national capacity for the integrated management of the coastal zone and for the protection of its ecosystem, and invites relevant parts of the United Nations system to promote these aims, including through the provision of the training and institutional support needed to achieve them;

27. *Calls upon* States to prioritize action on marine pollution from land-based sources as part of their national sustainable development strategies and local Agenda 21 programmes, in an integrated and inclusive manner, as a means of enhancing their support for the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,[6] and calls for their active collaboration to ensure that the 2001 intergovernmental review will enhance the implementation of the Global Programme of Action;

28. *Calls upon* United Nations agencies and programmes identified in General Assembly resolution 51/189 of 16 December 1996 to fulfil their roles in support of the Global Programme of Action and to provide information to Governments for their consideration at the 2001 intergovernmental review of the Global Programme of Action and to the Secretary-General for his annual report on oceans and the law of the sea on their action in this regard and on other steps which could be taken to protect the marine environment;

[17] See resolution 55/8

29. *Invites* the United Nations Environment Programme and the World Bank, as part of the preparations for the 2001 review of the Global Programme of Action, to consult with Governments, representatives of the private sector, financial institutions and bilateral and multilateral donor agencies to review their involvement in the implementation of the Global Programme of Action and to consider, inter alia, what international support is needed to help overcome the obstacles to the preparation and implementation of national and local action programmes and how they can participate actively in partnership-building with developing countries for the transfer of the requisite technology in accordance with the Convention and taking into account the relevant parts of Agenda 21, capacity-building and funding for the implementation of the Global Programme of Action;

30. *Emphasizes* the importance of ensuring that adverse impacts on the marine environment are taken into account when assessing and evaluating development programmes and projects;

31. *Urges* States to take all practicable steps, in accordance with the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, to prevent pollution of the marine environment from ships and, in accordance with the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter,[18] to prevent pollution of the marine environment by dumping, and further calls upon States to become parties to and to implement the 1996 Protocol to the 1972 Convention;[19]

32. *Stresses* the need to consider as a matter of priority the issues of marine science and technology and to focus on how best to implement the many obligations of States and competent international organizations under Parts XIII and XIV of the Convention, and calls upon States to adopt, as appropriate and in accordance with international law, the necessary national laws, regulations, policies and procedures to promote and facilitate marine scientific research and cooperation;

33. *Urges* all States, in particular coastal States, in affected regions to take all necessary and appropriate measures to prevent and combat incidents of piracy and armed robbery at sea, including through regional cooperation, and to investigate or cooperate in the investigation of such incidents wherever they occur and bring the alleged perpetrators to justice, in accordance with international law;

34. *Calls upon* States, in this context, to cooperate fully with the International Maritime Organization, including by submitting reports on incidents to the organization and by implementing its guidelines on preventing attacks of piracy and armed robbery;

35. *Urges* States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol,[20] and to ensure its effective implementation;

36. *Notes* the continued work of the United Nations Educational, Scientific and Cultural Organization towards a convention for the implementation of the provisions of the Convention, relating to the protection of the underwater cultural

[18] United Nations, *Treaty Series*, vol. 1046, No. 15749.
[19] IMO/LC.2/Circ.380.
[20] International Maritime Organization publication, Sales No. 462.88.12E.

heritage, and re-emphasizes the importance of ensuring that the instrument to be elaborated is in full conformity with the relevant provisions of the Convention;

37. *Invites* Member States and others in a position to do so to contribute to the further development of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea established by the General Assembly in resolution 35/116 of 10 December 1980 and to support the training activities under the TRAIN-SEA-COAST Programme of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat;

38. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea,[4] prepared by the Division for Ocean Affairs and the Law of the Sea, as well as for the other activities of the Division, in accordance with the provisions of the Convention and the mandate set forth in resolutions 49/28, 52/26 and 54/33;

39. *Requests* the Secretary-General to continue to carry out the responsibilities entrusted to him in the Convention and related resolutions of the General Assembly, including resolutions 49/28 and 52/26, and to ensure that appropriate resources are made available to the Division for Ocean Affairs and the Law of the Sea for the performance of such responsibilities under the approved budget for the Organization;

40. *Reaffirms* its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea, taking into account resolution 54/33 establishing the consultative process to facilitate the review of developments in ocean affairs, and requests the Secretary-General to convene the second meeting of the Consultative Process in New York from 7 to 11 May 2001;

41. *Recommends* that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea at its second meeting, the Consultative Process organize its discussions around the following areas:

(*a*) Marine science and the development and transfer of marine technology as mutually agreed, including capacity-building in this regard;

(*b*) Coordination and cooperation in combating piracy and armed robbery at sea;

42. *Requests* the Secretary-General to ensure more effective collaboration and coordination between the relevant parts of the Secretariat of the United Nations and the United Nations as a whole, in particular in ensuring the effectiveness, transparency and responsiveness of the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination, and also requests the Secretary-General to include in his report suggestions on initiatives to improve coordination, in accordance with resolution 54/33, and encourages all United Nations bodies to help this process by drawing to the attention of the Secretariat and the Subcommittee those areas of their work which may, directly or indirectly, affect the work of other United Nations bodies;

43. *Also requests* the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies and funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea, and the Subcommittee on Oceans and Coastal Areas of the Administrative Committee on Coordination, drawing their attention to

paragraphs of particular relevance to them, and underlines the importance of their input for the report of the Secretary-General on oceans and the law of the sea and of their participation in relevant meetings and processes;

44. *Invites* the competent international organizations, as well as funding institutions, to take specific account of the present resolution in their programmes and activities, and to contribute to the preparation of the comprehensive report of the Secretary-General on oceans and the law of the sea;

45. *Requests* the Secretary-General to establish a voluntary trust fund for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, in attending the meetings of the Consultative Process, and invites States to contribute to this fund;

46. *Also requests* the Secretary-General to report to the General Assembly at its fifty-sixth session on the implementation of the present resolution, including other developments and issues relating to ocean affairs and the law of the sea, in connection with his annual comprehensive report on oceans and the law of the sea, and to provide the report in accordance with the modalities set out in resolution 54/33;

47. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Oceans and the law of the sea".

44th plenary meeting
30 October 2000

Annex I

International Tribunal for the Law of the Sea Trust Fund

Terms of reference

Reasons for establishing the Trust Fund

1. Part XV of the United Nations Convention on the Law of the Sea ("the Convention") provides for the settlement of disputes. In particular, article 287 specifies that States are free to choose one or more of the following means:

(*a*) The International Tribunal for the Law of the Sea;

(*b*) The International Court of Justice;

(*c*) An arbitral tribunal;

(*d*) A special arbitral tribunal.

2. The Secretary-General already operates a Trust Fund for the International Court of Justice (see A/47/444). The Permanent Court of Arbitration has established a Financial Assistance Fund. The burden of costs should not be a factor for States, in making the choices under article 287, in deciding whether a dispute should be submitted to the Tribunal or in deciding upon the response to an application made to the Tribunal by others. For these reasons, it was decided to create a Trust Fund for the International Tribunal for the Law of the Sea ("the Tribunal").

Object and purpose of the Trust Fund

3. This Trust Fund ("the Fund") is established by the Secretary-General in accordance with General Assembly resolution 55/7 and pursuant to the Agreement

on Cooperation and Relationship between the United Nations and the Tribunal of 18 December 1997 (resolution 52/251, annex).

4. The purpose of the Fund is to provide financial assistance to States parties to the Convention for expenses incurred in connection with cases submitted, or to be submitted, to the Tribunal, including its Seabed Disputes Chamber and any other Chamber.

5. Assistance, which will be provided in accordance with the following terms and conditions, should only be provided in appropriate cases, principally those proceeding to the merits where jurisdiction is not an issue, but in exceptional circumstances may be provided for any phase of the proceedings.

Contributions to the Fund

6. The Secretary-General invites States, intergovernmental organizations, national institutions, non-governmental organizations, as well as natural and juridical persons, to make voluntary financial contributions to the Fund.

Application for assistance

7. An application for assistance from the Fund may be submitted by any State party to the Convention. The application should describe the nature of the case which is to be, or has been, brought by or against the State concerned and should provide an estimate of the costs for which financial assistance is requested. The application should contain a commitment to supply a final statement of account of the expenditures made from approved amounts, to be certified by an auditor acceptable to the United Nations.

Panel of experts

8. The Secretary-General will establish a panel of experts, normally three persons of the highest professional standing, to make recommendations on each request. The task of each panel is to examine the application and to recommend to the Secretary-General the amount of the financial assistance to be given, the phase or phases of the proceedings in respect of which assistance is to be given and the types of expenses for which the assistance may be used.

Granting of assistance

9. The Secretary-General will provide financial assistance from the Fund on the basis of the recommendations of the panel of experts. Payments will be made against receipts showing expenditures made in respect of approved costs. The latter may include:

(*a*) Preparing the application and the written pleadings;

(*b*) Professional fees of counsel and advocates for written and oral pleadings;

(*c*) Travel and expenses of legal representation in Hamburg during the various phases of a case;

(*d*) Execution of an Order of Judgment of the Tribunal, such as marking a boundary in the territorial sea.

Application of the Financial Regulations and Rules of the United Nations

10. The Financial Regulations and Rules of the United Nations will apply to the administration of the Fund, including the procedures for audit.

Reporting

11. An annual report on the activities of the Fund, including details of the contributions to and disbursements from the Fund, will be made to the Meeting of States Parties to the Convention.

Implementing office

12. The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs is the implementing office for this Fund and provides the services for the operation of the Fund.

Offers of professional assistance

13. The implementing office also maintains a list of offers of professional assistance which may be made on a reduced fee basis by suitably qualified persons or bodies. If an applicant for assistance so requests, the implementing office will make the list of offers available to it for its consideration and decision; both financial and other assistance may be extended in respect of the same case or phase thereof.

Revision

14. The General Assembly may revise the above if circumstances so require.

Annex II

Trust fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea

Terms of reference, guidelines and rules

1. Reasons for establishing the Trust Fund

1. Promoting and developing the marine scientific and technological capacity of developing States, in particular the least developed countries and small island States, with a view to accelerating their social and economic development, is essential for the effective implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Convention").

2. Coastal States intending to establish the outer limits of their continental shelf beyond 200 nautical miles from the baseline from which the breadth of their territorial sea is measured are required by article 76 of the Convention to submit the relevant data and information to the Commission on the Limits of the Continental Shelf ("the Commission"). In accordance with article 4 of annex II to the Convention, the particulars of such limits should be submitted to the Commission within ten years of the entry into force of the Convention for that State. For some States a submission should be made by 16 November 2004.

3. Developing States, in particular the least developed countries and small island developing States, may face difficulties in complying with the time limit for submissions to the Commission. The Trust Fund is intended to assist these States in complying with the requirements relating to a submission to the Commission.

4. Under article 3, paragraph 1 (*b*), of annex II to the Convention, the Commission may provide scientific and technical advice, if requested by the coastal States concerned, during the preparation of the data to be submitted in accordance with article 76.

5. The Commission has adopted an outline for a five-day training course in order to facilitate the preparation of submissions in accordance with its Scientific and Technical Guidelines. The course is to be developed and delivered by interested Governments, international organizations and institutions which possess the necessary expertise and facilities. The Commission has likewise prepared a basic flow chart illustrating the preparation of submissions by coastal States.

6. The delineation of the continental shelf of a coastal State in accordance with article 76 and annex II to the Convention and annex II to the Final Act of the Third United Nations Conference on the Law of the Sea ("the Final Act") requires a programme for hydrographic and geoscientific surveying and mapping of the continental margin. The complexity and scale, and hence the costs involved, of such a programme will vary greatly from State to State according to the different geographical and geophysical circumstances. A first approach will always involve an assessment of the particular case at hand, followed by planning of appropriate projects for further data acquisition. Such projects require the contracting of high-level scientific/technical expertise and modern technology. By nature, the costs involved in such data acquisition projects are substantial. In addition to contributing to the Voluntary Fund herein established, the international community should make every effort to facilitate the full implementation of article 76 both financially and in any other possible way or capacity.

7. The initial assessment and the project planning itself will require qualifications in hydrography and geosciences in addition to a full understanding of the relevant provisions of the Convention. The final preparation of a submission to the Commission also requires high-level expertise in geosciences and hydrography.

8. The United Nations has extensive experience in providing assistance to countries for their industrial and economic development. This experience could be extended and utilized to assist States in implementing their rights and obligations under article 76 of the Convention.

2. Objects and purpose of the Trust Fund

9. The Secretary-General, under the Financial Regulations and Rules of the United Nations, establishes the present Trust Fund ("the Fund"). The object of the Fund is to enable developing States, in particular the least developed coastal countries and small island developing States, to make an initial assessment of their particular case, make appropriate plans for further investigations and data acquisition, and to prepare the final submission documents when the necessary data have been acquired.

10. The data acquisition campaigns themselves are not the object of the Fund.

11. An initial assessment of the nature of the continental shelf of a coastal State is often made in the form of a desktop study, which is a review and compilation of all existing data and information. Decisions for further action and/or planning for further data acquisition and mapping projects will be based on such a study.

12. The purpose of the Fund is to provide, in accordance with the terms and conditions specified in the Financial Regulations and Rules of the United Nations:

(*a*) Training to the appropriate technical and administrative staff of the coastal State in question, in order to enable them to perform initial desktop studies and project planning, or at least to take full part in these activities;

(*b*) Funds for such studies and planning activities, including funds for advisory/consultancy assistance if needed.

13. The preparation of the final submission documents will have to meet the requirements of article 76 and annex II to the Convention (and for some States, annex II to the Final Act) and the Scientific and Technical Guidelines of the Commission. The training should take this into account and aim at enabling the State's personnel also to prepare most of these documents themselves. The preparation of the submission may induce costs that may be met by funds from the Fund (e.g. software and hardware equipment, technical assistance, etc.).

3. Contributions to the Fund

14. The Secretary-General invites States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions as well as natural and juridical persons to make voluntary financial or other contributions to the Fund.

4. Application for financial assistance

15. An application for financial assistance from the Fund may be submitted by any developing State, in particular the least developed countries and small island developing States, who are Members of the United Nations and party to the Convention.

16. The purpose of the financial assistance applied for should be specified. Financial assistance may be sought for the following purposes:

(*a*) Training of technical and administrative staff;

(*b*) Desktop study or other means to make an initial assessment of the nature of the continental shelf and its limits;

(*c*) Working out of plans for the acquisition of necessary additional data and mapping projects;

(*d*) Preparation of final submission documents;

(*e*) Advisory/consultancy assistance related to the above points.

17. Detailed information under each of these purposes should be provided as follows:

(*a*) *Training of technical and administrative staff*

The application shall be accompanied by:

(i) A specification of the goal of the training and which positions the trainees are intended to fill afterwards;

(ii) Information on the training institute(s) in question;

(iii) A copy of the training course(s);

(iv) The curriculum vitae of the trainees;

(v) An itemized statement of the estimated costs for which assistance is requested.

(*b*) *Desktop study or other means to make an assessment of the nature of the continental shelf and its limits*

The application shall be accompanied by:

(i) A short description of the aim of the study;

(ii) An overview map of the area in question;

(iii) An overview, as complete as possible, of the database already available to the State;

(iv) An outline of how the work will be done and what tools are available (software and hardware);

(v) A specification of what will be done by the State's own staff, and what will be contracted for;

(vi) An itemized statement of the estimated costs for which assistance is requested.

(c) *Working out of plans for the acquisition of necessary additional data and mapping projects*

The application shall be accompanied by:

(i) A summary of the status of knowledge of the continental margin, preferably based on a previous desktop study;

(ii) A preliminary assessment of the needs for specific additional data and/or information in accordance with the requirements of article 76 and annex II to the Convention, and annex II to the Final Act;

(iii) An itemized statement of the estimated costs for which assistance is requested.

(*d*) *Preparation of final submission documents*

The application shall be accompanied by:

(i) A specification of what kind of assistance is needed;

(ii) An itemized statement of the estimated costs for which assistance is requested.

(*e*) *Advisory/consultancy assistance related to the above points*

The application shall be accompanied by:

(i) A copy of the contract between the Government and the technical or scientific expert in question;

(ii) An itemized statement of the costs for which assistance is requested.

18. In all these cases the application shall be accompanied by an undertaking that the requesting State shall supply a final statement of account providing details of the expenditures made from the approved amounts, to be certified by an auditor acceptable to the United Nations.

5. Consideration of applications

19. Each request for financial assistance shall be considered by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs ("the Division"), which acts as the secretariat of the Commission.

20. The Division may engage an independent panel of experts of the highest moral standing to assist in the examination of applications on the basis of section 4 above and to recommend the amount of financial assistance to be given. However, no sitting Commission member should serve on this panel of experts. The Division shall prepare and circulate to Member States a list of prospective members of the panel of experts. Any member of the expert panel opposed by a Member State should not be included in the panel. The Division shall on an annual basis provide a list of the panel of experts as an annex to the annual report of the Secretary-General.

21. In considering the application, the Division shall be guided solely by the financial needs of the requesting developing State and availability of funds, with priority given to least developed countries and small island developing States, taking into account the imminence of pending deadlines.

22. Travel expenses and subsistence allowance are payable to independent experts engaged by the Division to consider applications.

6. Granting of assistance

23. The Secretary-General will provide financial assistance from the Fund on the basis of the evaluation and recommendations of the Division. Payments will be made against receipts evidencing actual expenditures for approved costs.

7. Application of article 5 of annex II to the Convention

24. Nationals of the coastal State making the submission who are members of the Commission and any Commission member who has assisted a coastal State by providing scientific and technical advice with respect to the delineation shall not be a member of the subcommission dealing with that submission but has the right to participate as a member in the proceedings of the Commission concerning the said submission. In an effort to promote transparency and to give full effect to article 5 of annex II to the Convention there should be full disclosure by Commission members, Trust Fund recipients and training sponsors to the Division of any pre-submission contacts.

8. Reporting requirements for full disclosure

25. Interested Governments, international organizations and institutions who provide any training for which any costs are reimbursed by this Fund are strongly encouraged to provide the complete list of participants to the Division.

26. Commission members who participate in any activities pursuant to this Fund shall disclose this information to the Division.

27. Upon submission to the Commission of its information on the limits of its continental shelf pursuant to article 76 of the Convention, a coastal State that has received assistance from this Fund shall disclose this information, including the involvement of any Commission members.

9. Application of the Financial Regulations and Rules of the United Nations

28. The Financial Regulations and Rules of the United Nations shall apply to the administration of the Fund. The Fund shall be subject to the auditing procedures provided therein.

10. Reporting to the General Assembly

29. An annual report on the activities of the Fund, including details of the contributions to and disbursements from the Fund, will be made to the General Assembly.

11. Implementing office

30. The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs is the implementing office for the Fund and will provide the services required for the operation of the Fund.

12. Revision

31. The General Assembly may revise the above if circumstances so require.

General Assembly

Distr.: General
22 February 2001

Fifty-fifth session
Agenda item 34 (*b*)

Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/55/L.11 and Add.1)*]

55/8. Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments

The General Assembly,

Reaffirming its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994, 50/25 of 5 December 1995, 51/36 of 9 December 1996, 52/29 of 26 November 1997 and 53/33 of 24 November 1998, as well as other resolutions on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments,

Welcoming the Rome Declaration on the Implementation of the Code of Conduct for Responsible Fisheries adopted by the Ministerial Meeting on Fisheries of the Food and Agriculture Organization of the United Nations in March 1999,

Noting that the Code of Conduct for Responsible Fisheries sets out principles and global standards of behaviour for responsible practices to conserve, manage and develop fisheries, including guidelines for fishing on the high seas and in areas under the national jurisdiction of other States, and on fishing gear selectivity and practices, with the aim of reducing by-catch and discards,

Recognizing that coordination and cooperation at the global, regional, subregional as well as national levels in the areas, inter alia, of data collection, information-sharing, capacity-building and training are crucial for the conservation, management and sustainable development of marine living resources,

Noting the conclusion of negotiations to establish new regional organizations and arrangements in several heretofore unmanaged fisheries, in particular the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean and the Convention on the Conservation and Management of Fishery Resources in the South-east Atlantic Ocean, and highlighting that these agreements were concluded pursuant to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law

of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks,[1]

Noting also the adoption by the States members of the Permanent Commission for the South Pacific of the Framework Agreement for the Conservation of Living Marine Resources in High Seas of the South-east Pacific,

Recognizing the importance of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, and noting with concern that neither of these agreements has yet entered into force,

Noting with satisfaction that the Committee on Fisheries of the Food and Agriculture Organization of the United Nations in February 1999 adopted international plans of action for the management of fishing capacity, for reducing the incidental catch of seabirds in longline fisheries and for the conservation and management of sharks,

Taking note with appreciation of the report of the Secretary-General,[2] and emphasizing the useful role that the report plays in bringing together information relating to the sustainable development of the world's marine living resources provided by States, relevant international organizations, regional and subregional fisheries organizations and non-governmental organizations,

Noting with satisfaction that, while significant work remains to be done, interested parties have made real progress towards sustainable fisheries management,

Noting that while there has been generally a marked decrease in the reporting of large-scale pelagic drift-net fishing activities in most regions of the world's oceans and seas, large-scale pelagic drift-net fishing remains a threat to marine living resources in some areas,[3]

Expressing its continuing concern that efforts should be made to ensure that the implementation of resolution 46/215 in some parts of the world does not result in the transfer to other parts of the world of drift-nets that contravene the resolution,

Noting with concern that unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing remains as one of the most severe problems currently affecting world fisheries and the sustainability of marine living resources, and noting also that unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing has a detrimental impact on the food security and the economies of many States, particularly developing States,

Noting the significance of the work being undertaken under the aegis of the Food and Agriculture Organization of the United Nations to develop a comprehensive international plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing, involving consideration of the range of

[1] A/CONF.164/37; see also A/50/550, annex I.

[2] A/55/386.

[3] Ibid., paras. 12-64.

possibilities for action in accordance with international law, and acknowledging the work done by certain regional fisheries organizations,

Welcoming the efforts in the Food and Agriculture Organization of the United Nations to address the causes of illegal, unreported and unregulated fishing, through a comprehensive and integrated approach which involves all relevant States and regional and subregional fisheries management organizations and arrangements in the deterrence of illegal, unreported and unregulated fishing which encourages all States to take measures, to the greatest extent possible, or to cooperate to ensure that their nationals, in accordance with article 117 of the United Nations Convention on the Law of the Sea,[4] and vessels flying their flag do not support or engage in illegal, unreported and unregulated fishing,

Welcoming also the cooperation being undertaken with the International Labour Organization and other relevant international organizations in the joint Ad Hoc Working Group on combating illegal, unreported and unregulated fishing of the Food and Agriculture Organization of the United Nations and the International Maritime Organization,

Recognizing the need for the International Maritime Organization, the Food and Agriculture Organization of the United Nations and regional and subregional fisheries management organizations and arrangements to address the issue of marine debris derived from land-based and ship-generated sources of pollution, including derelict fishing gear, which can cause mortality and habitat destruction of marine living resources,

Expressing concern at the significant level of by-catch and discards in several of the world's commercial fisheries, and recognizing that the development and use of selective, environmentally safe and cost-effective fishing gear and techniques will be important for reducing by-catch and discards,

Expressing concern also at the reports of continued loss of seabirds, particularly albatrosses, as a result of incidental mortality from longline fishing operations, and the loss of other marine species, including sharks and fin-fish species, as a result of incidental mortality, and noting the recent initiative to develop a convention for the protection of southern hemisphere albatrosses and petrels,

1. *Reaffirms* the importance it attaches to the long-term conservation, management and sustainable use of the marine living resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the United Nations Convention on the Law of the Sea,[4] in particular the provisions on cooperation set out in part V and part VII, section 2, of the Convention regarding straddling stocks, highly migratory species, marine mammals, anadromous stocks and marine living resources of the high seas;

2. *Also reaffirms* the importance it attaches to compliance with its resolutions 46/215, 49/116, 49/118, 50/25, 52/29 and 53/33, and urges States and other entities to enforce fully the measures recommended in those resolutions;

3. *Encourages* all States to implement directly or, as appropriate, through the relevant international, regional and subregional organizations and regional and subregional fisheries organizations and arrangements, the international plans of

[4] United Nations publication, Sales No. E.97.V.10.

action of the Food and Agriculture Organization of the United Nations for reducing the incidental take of seabirds in longline fisheries, for the conservation and management of sharks and for the management of fishing capacity, since the state of progress in the implementation of all three plans will be reported to the Committee on Fisheries of the Food and Agriculture Organization of the United Nations at the twenty-fourth session of the Committee, to be held from 26 February to 2 March 2001;

4. *Takes note with satisfaction* of the activities of the Food and Agriculture Organization of the United Nations aimed at providing assistance to developing countries in upgrading their capabilities in monitoring, control and surveillance, through its Interregional Programme of Assistance to Developing Countries for the Implementation of the Code of Conduct for Responsible Fisheries;

5. *Also takes note with satisfaction* of the activities of the Food and Agriculture Organization of the United Nations, in cooperation with relevant United Nations agencies, in particular the United Nations Environment Programme and the Global Environment Facility, aimed at promoting the reduction of by-catch and discards in fisheries activities;

6. *Reiterates* the importance of continued or strengthened efforts by States directly or, as appropriate, through the relevant regional and subregional organizations, and by other international organizations, to make it a high priority to support, including through financial and/or technical assistance, with a particular emphasis on capacity-building, the efforts of developing States, in particular the least developed countries and the small island developing States, to achieve the goals and implement the actions called for in the present resolution, including to improve the monitoring and control of fishing activities and the enforcement of fishing regulations;

7. *Urges* States, relevant international organizations and regional and subregional fisheries management organizations and arrangements that have not done so to take action to reduce by-catch, fish discards and post-harvest losses, consistent with international law and relevant international instruments, including the Code of Conduct for Responsible Fisheries;

8. *Calls upon* States and other entities referred to in article 1, paragraph 2 (*b*), of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks[1] that have not done so to ratify or accede to the Agreement and to consider applying it provisionally;

9. *Calls upon* States and other entities referred to in article 10, paragraph 1, of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas that have not deposited instruments of acceptance of the Agreement to do so;

10. *Recalls* that Agenda 21, adopted at the United Nations Conference on Environment and Development,[5] calls upon States to take effective action, consistent with international law, to deter reflagging of vessels by their nationals as a means of

[5] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

avoiding compliance with applicable conservation and management measures for fishing vessels on the high seas;

11. *Calls upon* States that have not done so to take measures to deter reflagging of fishing vessels flying their flag to avoid compliance with applicable obligations and to ensure that fishing vessels entitled to fly their flag do not fish in areas under the national jurisdiction of other States unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, and that they do not fish on the high seas in contravention of the applicable conservation and management measures;

12. *Urges* States to continue the development of an international plan of action on illegal, unreported and unregulated fishing for the Food and Agriculture Organization of the United Nations, as a matter of priority, so that its Committee on Fisheries can be in a position to adopt elements for inclusion in a comprehensive and effective plan of action at its twenty-fourth session;

13. *Appeals* to States and regional fisheries organizations, including regional fisheries management bodies and regional fisheries arrangements, to promote the application of the Code of Conduct for Responsible Fisheries within their areas of competence;

14. *Reaffirms* the rights and duties of coastal States to ensure proper conservation and management measures with respect to the living resources in zones under their national jurisdiction, in accordance with international law, as reflected in the United Nations Convention on the Law of the Sea;

15. *Invites* regional and subregional fisheries management organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participate in such arrangements;

16. *Encourages* the International Maritime Organization and other relevant agencies, organizations and States to continue working constructively with the Food and Agriculture Organization of the United Nations to combat unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing;

17. *Invites* the Food and Agriculture Organization of the United Nations to continue its cooperative arrangements with United Nations agencies on illegal, unreported and unregulated fishing and to report to the Secretary-General, for inclusion in his annual report on oceans and the law of the sea, on priorities for cooperation and coordination in this work;

18. *Affirms* the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation in the management of fish stocks and in combating illegal, unreported and unregulated fishing, in a manner consistent with the United Nations Convention on the Law of the Sea and taking into account the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and other relevant principles of international law;

19. *Also affirms* the central role that regional and subregional fisheries management organizations and arrangements have in intergovernmental cooperation to assess marine living resources within their competence, to manage their

conservation and sustainable use and thus to promote food security and sustain the economic base of many States and communities, and further affirms that they also will play a key role in implementing applicable international law including, as appropriate, the United Nations Convention on the Law of the Sea, the Fish Stocks Agreement and the Compliance Agreement, and in promoting the application of the Code of Conduct for Responsible Fisheries;

20. *Calls upon* the Food and Agriculture Organization of the United Nations, the International Maritime Organization, regional and subregional fisheries management organizations and arrangements and other appropriate intergovernmental organizations to take up, as a matter of priority, the issue of marine debris as it relates to fisheries and, where appropriate, to promote better coordination and help States to implement fully relevant international agreements, including annex V to and the Guidelines of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto;

21. *Invites* all relevant parts of the United Nations system, international financial institutions and multilateral and bilateral donor agencies to take into account the importance of marine science, including the importance of protecting the ecosystem, and the precautionary approach, with the aim of providing support to subregional and regional organizations and arrangements and their member States, for sustainable fisheries management and conservation, and notes that, for developing countries, capacity-building is essential for the sustainable development of marine living resources;

22. *Recommends* that the biennial conference of regional and subregional fisheries management organizations and arrangements with the Food and Agriculture Organization of the United Nations consider measures to strengthen further the role of these organizations in all aspects of fisheries conservation and management;

23. *Also recommends* that the Food and Agriculture Organization of the United Nations consider inviting the intergovernmental organizations relevant to its work to join the biennial conference of regional fisheries organizations;

24. *Requests* the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the present resolution;

25. *Also requests* the Secretary-General to submit to the General Assembly at its fifty-seventh session a report on the implementation of the present resolution, including the status and implementation of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, the implementation of the international plans of action for the management of fishing capacity, for reducing the incidental catch of seabirds in longline fisheries, and for the conservation and management of sharks, and efforts undertaken by the Food and Agriculture Organization of the United Nations to combat illegal, unreported and unregulated fishing, taking into account the information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs,

organizations and programmes of the United Nations system, regional and subregional organizations and arrangements and other relevant intergovernmental and non-governmental organizations;

26. *Decides* to include in the provisional agenda of its fifty-seventh session, under the item entitled "Oceans and the law of the sea", a sub-item entitled "Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing, fisheries by-catch and discards, and other developments".

44th plenary meeting
30 October 2000